

REMARKS

This is in response to the Final Office Action mailed April 19, 2004. Reconsideration and allowance of the subject application are respectfully requested.

No amendments have been made to the subject application by the within Amendment. Accordingly, it is believed that the within Amendment is entitled to entry as a matter of right.

In the Office Action, the Examiner has finally rejected claims 1-32 and 39-43 under 35 USC § 102(b), and claims 33-38 under 35 USC § 103(a), as being anticipated or rendered obvious, respectively, by Ofek (U.S. Patent No. 5,901,327). It is respectfully submitted that these rejections are erroneous.

As the Examiner is well aware, in order for Ofek to anticipate Applicant's claims, each and every element of the claims must be identically and exactly disclosed within the four corners of Ofek. Additionally, in order to establish a *prima facie* case of obviousness:

First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. . . The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. *In re Vaech*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). *Manual of Patent Examining Procedure* (MPEP), 8th Edition, August 2001, § 2143.

As the Examiner is well aware, if no special definition has been clearly set forth in the Specification, the claim language is to be given its customary meaning to those skilled in the art. See, e.g., Texas Digital Systems v. Telegenix, No. 02-1032 (Fed. Cir. October 16, 2002); See also, MPEP § 2111.01. It is well-established that dictionaries may be used to establish such customary meaning. See id.

To those skilled in the art, the customary meaning of the language “host bus adapter” in claim 1 is an I/O adapter that connects a host I/O bus to the host’s memory system. Additionally, as used in the art, a “host I/O bus” is an I/O bus that is used to connect a host computer to one or more storage systems or storage devices. Moreover, an “I/O bus” means any path used for the transfer of data and control information between I/O adapters and storage controllers or storage devices. See, e.g., *The RAID Book*, Sixth Edition, Raid Advisory Board, 1997, pp. 257 and 258 (attached hereto as Exhibit A).

When the limitations of claim 1 are construed in light of the above definitions, it is clear that Ofek cannot anticipate or render obvious claim 1. For example, Ofek nowhere discloses “A first adapter to use in a first server in a network, the first adapter comprising . . . a host bus adapter (HBA) including circuitry to cause, in response to a first request received by the HBA, execution of a first data storage-related operation associated with a first set of mass storage devices and to issue, also in response to the first request, a second request from the HBA to a second adapter in a second server in the network to cause the second adapter to perform, in response to the second request, a second data storage-related operation associated with a second set of mass storage devices. (Independent claim 1).

In contrast to these limitations of claim 1, in pertinent part, Ofek discloses a system in which a primary data storage system 14 is connected via a signal path 18 to a first host 12 at a first site, and a secondary data storage system 46 is connected to second host 52 at a remote site. The storage systems 14 and 46 comprise respective controllers 16 and 44. Controllers 16 and 44 comprise respective adapters 26 and 54 that are connected to hosts 12 and 52, respectively. See Ofek’s Figure 1.

Contrary to the Examiner assertions at page 2 of the Final Office Action, controller 16 is not used in host A, but instead, as stated above, is comprised in data storage system 14. Also

contrary to the Examiner's assertions at page 2 of the Final Office Action, in light of, *inter alia*, the above definitions, controller 16 cannot be said to comprise a host bus adapter of the type described in claim 1. For example, controller 16 does not comprise an I/O adapter that connects a host I/O bus to the host's memory system.

The other currently pending independent claims recite, at least in part, at least some of these limitations of claim 1 and/or limitations that are similar to at least some of the limitations of claim 1 that patentably distinguish claim 1 over Ofek. These specific combinations of limitations of the independent claims permit the inventions of these independent claims to achieve advantages that are not achieved by Ofek's disclosed system. For example, although these independent claims are not limited to the specific embodiments disclosed in the Specification, the Specification at page 23, lines 1 to 13 describes at least some of these advantages in the context of one of these embodiments. (See, e.g., Specification, page 23, lines 1 to 13).

Thus, in view of the specific, advantageous combinations of limitations of the independent claims that are not disclosed or suggested in Ofek, it is respectfully submitted that Ofek does not anticipate or render obvious the claims of the subject application. Thus, it is respectfully submitted that the Examiner's rejections of claims 1-32 and 39-43 under 35 USC § 102(b), and of claims 33-38 under 35 USC § 103(a), as being anticipated or rendered obvious, respectively, by Ofek have been overcome.

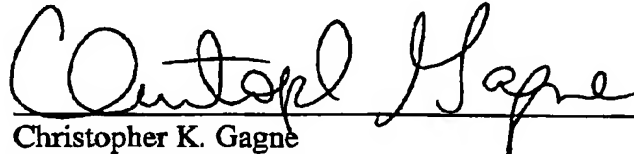
In the event that the Examiner deems personal contact desirable in further disposition of this case, the Examiner is invited to call the undersigned attorney at 508-865-4168.

Please charge any shortages and credit any overcharges to Deposit Account number 02-2666.

Respectfully submitted,

Date:

5/26/04



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